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PATENT

Attorney Docket No. 2356.0014-09000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Luc MONTAGNIER et al.)
Serial No. 08/470,489) Group Art Unit: 1813 7/9/97
Filed: June 6, 1995) Examiner: J. Parkin
For: RETROVIRUS CAPABLE OF)
CAUSING AIDS, MEANS AND)
METHOD FOR DETECTING IT)
IN VITRO)
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M.J.J.

**Assistant Commissioner for Patents
Washington, DC 20231**

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JUL 9 1997
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Sir:

**REQUEST FOR WITHDRAWAL OF FINALITY
UNDER 37 C.F.R. § 1.129(a)**

In response to the Final Office Action (Paper No. 9) of July 9, 1996, and the Advisory Action of February 28, 1997 (Paper No. 13), Applicants respectfully request withdrawal of the finality of Paper No. 9 and entry and consideration of the Amendment Under 37 C.F.R. § 1.116 of January 9, 1997. Applicants filed this Amendment and a Notice of Appeal on January 9, 1997. As an Appeal Brief was due on March 9, 1997, Applicants submit herewith a Petition for a Four-Month Extension of Time and the requisite fee in the amount of \$1,470.00.

Section 1.129(a) of the PTO Rules of Practice provides that Applicants whose application has been pending for at least two years as of June 8, 1995, are entitled to have a first submission entered and considered on the merits after final rejection. The

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two-year pendency includes any claim to priority under 35 U.S.C. §§ 120, 121, or 365(c). Id. The first submission and fee set forth in § 1.17(r) must be filed prior to the filing of an appeal brief and prior to abandonment of the application. Id.

This is Applicants' first submission under the provisions of § 1.129(a). This response is accompanied by the \$770.00 fee specified in § 1.17(r). This application is a continuation of application Serial No. 08/392,613, filed February 22, 1995, which is a continuation of application Serial No. 08/075,020, filed June 11, 1993, which is a continuation of application Serial No. 07/792,524, filed November 18, 1991, which is a division of application Serial No. 07/462,908, filed January 10, 1990, which is a continuation of application Serial No. 07/150,645, filed November 20, 1987, which is a continuation-in-part of application Serial No. 07/003,764, filed January 16, 1987, which is a continuation-in-part of application Serial No. 06/916,080, filed October 6, 1986, which is a continuation-in-part of application Serial No. 06/835,228, filed March 3, 1986. Finally, Applicants have not abandoned this application, nor have they filed an appeal brief in this case. Since Applicants have satisfied the requirements of § 1.129, please enter the Amendment of January 9, 1997, and consider its remarks.

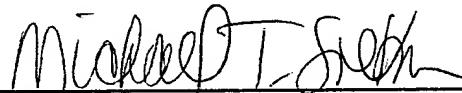
If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 60-0916. If a fee is required for an

extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested, and the fee should also be charged to our Deposit Account.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

By:



Michael T. Siekman
Reg. No. 36,276

Date: July 3, 1997

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